

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIEL L. WEIMER,)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-1208
)	
TIMOTHY MARRONE, ET AL.,)	
Defendants.)	

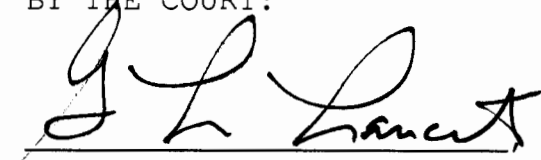
MEMORANDUM ORDER

The record in this case reflects that complaint in this civil action was filed by plaintiff on September 16, 2005. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of a summons and complaint is to be effectuated upon all named defendants within 120 days of the filing of the complaint, with proof of same being filed with the court. None was filed and on January 26, 2006, a show cause order was issued to plaintiff, requesting that cause be shown by February 6, 2006 why this action should not be dismissed for failure to prosecute. As of the date of this order, plaintiff has failed to respond.

Therefore, under the circumstances, and pursuant to Fed.R.Civ.P. 41(b), we will exercise our inherent power to dismiss the case due to the inaction of the party seeking relief. See Link v. Wabash Railroad Co., 370 U.S. 626 (1961).

Accordingly, this 13 day of February, 2006, IT IS HEREBY
ORDERED that the instant case is dismissed.

BY THE COURT:


J.

cc: Daniel L. Weimer
235 Owl Hollow Road
Ligonier, PA 15658